

Serial Number: 09/744,866  
Attorney Docket: GIES3001

REMARKS

Claims 24 and 28 are in the case. Claims 24 and 28 constitute claim 24 at the time of the June 9, 2005 final rejection in independent form.

The drawing filed on 18 January 2005 is objected to. The objection is inappropriate. The drawing filed on 18 January 2005 is not a drawing that is part of the application but is part of the 132 declaration also filed on 18 January. The issues to which that declaration applied, are no longer issues. In any event, a better drawing is submitted herewith, but scanning may destroy the fidelity of what is submitted herewith. The scale on the right hand box stands for 10 $\mu$ m. Reconsideration is requested.

Claims 1-23 and 25-27 are rejected as being anticipated by Rye et al. or U.S. 6,265,229 or unpatentable over Rye et al. or U.S. 6,265,229 in view of Hirte et al. All the claims rejected over prior art are canceled herewith. Reconsideration is requested.


Claim 27 is rejected under 35 U.S.C. 112, second paragraph. Claim 27 is canceled herewith.

Claim 24 is rejected under 35 U.S.C. 112, first paragraph, for including a negative limitation. In response, the undersigned reiterates the position asserted on January 18.

Serial Number: 09/744,866  
Attorney Docket: GIES3001

The point of this paper is to simplify the issues for appeal. Claims 24 and 28 are the same as claim 24 before amendment. The only other amendments constitute canceling of claims. Therefore, the amendment has to be entered.

Respectfully submitted,  
BACON & THOMAS, PLLC

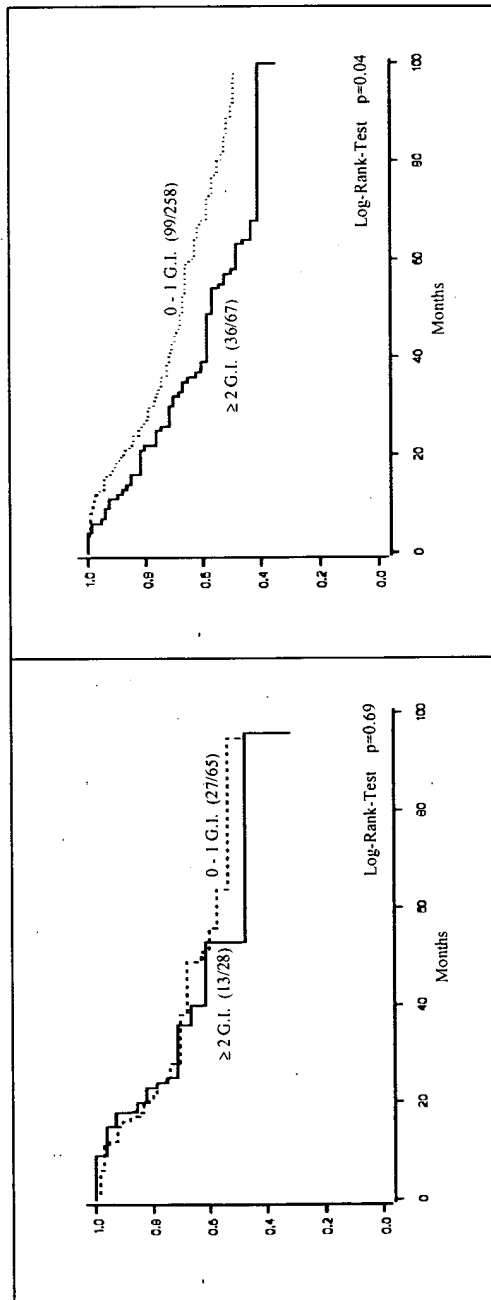
By:   
Eric S. Spector  
Registration No. 22,495

BACON & THOMAS, PLLC  
Customer **23364**  
625 Slaters Lane - 4<sup>th</sup> Floor  
Alexandria, VA 22314-1176  
Telephone: (703) 683-0500  
Facsimile: (703) 683-1080

Date: September 2, 2005

B&T: GIES3001/ESS

Figure 1



G.I.	BEAD(n=169)	Invent(n=615)
0	42%	52%
1	43%	31%
2	17%	11%
≥ 3	8%	7%

